

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION**

BRIAN CARR et al.,

Plaintiffs,

v.

**THOMAS R. KANE, ACTING
DIRECTOR, FEDERAL BUREAU OF
PRISONS,**

Defendant.

No. 2:14-cv-00001-WTL-MJD

UNOPPOSED MOTION FOR CONTINUANCE OF TRIAL

Pursuant to S.D. Ind. L.R. 16-3, Plaintiffs Brian Carr, Mark Crenshaw, Trone Kent, and John Wilson (“Plaintiffs”) respectfully request a brief continuance of the trial date in order to accommodate the religious beliefs of Plaintiffs.

The trial is currently scheduled to commence on June 3, 2019, and last for five calendar days. ECF No. 278. Plaintiffs seek this continuance because Plaintiffs observe the Islamic religious holiday of Eid-al-Fitr on the day of June 4, 2019, which marks the end of the Islamic holy month of Ramadan. Plaintiffs believe that religious observance of Eid-al-Fitr is mandatory, and their observance would interfere with their ability to participate in trial. Eid-al-Fitr is one of the two annual religious celebrations in the Muslim world, and Muslims are obliged to attend Eid prayers lasting though the morning, and to continue devoting attention to the observance of the holiday throughout the day. Plaintiffs therefore request that the trial be rescheduled to commence on June 10, 2019, or on another date that is convenient to the Court. To the extent the trial cannot be rescheduled in June, Plaintiffs wish to make the Court aware that their expert

witness Hamzah Maqbul will be unavailable from July 20, 2019 to August 15, 2019, due to clerical duties related to Hajj. Hajj, one of the five pillars of Islam, refers to the religious obligation to make a pilgrimage to Mecca and other sacred Muslim locales. As a Hajj group leader, Mr. Maqbul is responsible for training pilgrims on their ritual obligations and guiding a three-week pilgrimage to Muslim holy sites. He is unable to move or remove himself from this religious commitment.

The Defendant has been notified of Plaintiffs' concerns about the trial date, and has informed Plaintiffs that it does not oppose this motion.

For the foregoing reasons, Plaintiffs request that the Court grant the motion and enter an order continuing the trial to a date consistent with the religious and clerical obligations described above.

Dated: December 4, 2018

Respectfully submitted,

O'MELVENY & MYERS LLP

By: s/ David J. Leviss

David J. Leviss

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Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I, David J. Leviss, hereby certify that on December 4, 2018, I caused a copy of the foregoing document to be served upon all counsel of record via the CM/ECF system for the United States District Court for the Southern District of Indiana.

By: s/ David J. Leviss
David J. Leviss